

Attorney's Docket No.: 007266.P002

PatentIN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
FILING UNDER 35 U.S.C. § 371

In re Patent Application of: )  
                                  )  
                                  )  
                                 Harold Keith Hill, et al. )  
                                  )  
Application No.: 10/539,867 )  
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                                  )  
Filed: June 16, 2005         )  
                                  )  
For: MEASUREMENT APPARATUS )  
                                 AND METHOD )  
                                  )  
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Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. § 371 IN THE  
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Dear Sir:

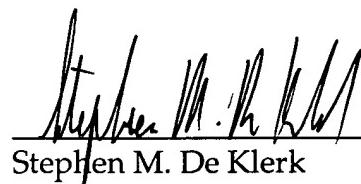
In response to the Notification Of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on November 10, 2005, please find enclosed:

- (1) The Declaration and Power of Attorney executed by the inventors in compliance with 37 CFR § 1.497(a) and (b);
- (2) A check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.492(e) (late oath or declaration); and

(3) A copy of the Notification Of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US).  
If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: January 10, 2006

  
\_\_\_\_\_  
Stephen M. De Clerk  
Reg. No. 46,503

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

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First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

January 10, 2006

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence

Linda K. Brost

Signature

January 10, 2006

Date

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>7266P002</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/539,867</b>
INTERNATIONAL APPLICATION NO. <b>PCT/NZ2003/000279</b>	INTERNATIONAL FILING DATE <b>17 December 2003</b>	PRIORITY DATE CLAIMED <b>17 December 2002</b>
TITLE OF INVENTION <b>MEASUREMENT APPARATUS AND METHOD</b>		
APPLICANT(S) FOR DO/EO/US <b>Harold Keith Hill, et al.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4)).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4)).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)).</li> <li>20. <input checked="" type="checkbox"/> Other items or information.</li> </ol>		
<u>Response to Notification of Missing Requirements; copies of second Written Opinion and Response to second Written Opinion; copy of Notification of Missing Requirements; return receipt postcard.</u>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER	
10/539,867	PCT/NZ2003/000279	7266P002	
The following fees have been submitted		CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300		\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4) .... \$0 All other situations ..... \$200			
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33 (1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report Prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500			
		TOTAL OF 21, 22 and 23 = \$	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
- 100 =	-71 / 50 =	x	\$
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	16 - 20 =	0	x 50 \$ 0.00
Independent claims	3 - 3 =	0	x 200 \$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ 360	\$
		TOTAL OF ABOVE CALCULATIONS = \$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees are reduced by 1/2.		\$	130.00
		SUBTOTAL = \$	130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$	
		TOTAL NATIONAL FEE = \$	130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$	40.00
Other fee (specify):			
		TOTAL FEES ENCLOSED = \$	170.00
		Amount to be refunded:	\$
		charged:	\$
<p>a. <input checked="" type="checkbox"/> A check(s) in the amount of \$ <u>170.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-2666</u> in the amount of \$ <u>170.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-2666</u>. A duplicate copy of this sheet is enclosed.</p>			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.			
01/18/2006 ATRAN1 00000146 10539867	01 FEB 16 2006	January 10, 2006	SIGNATURE
\$30.00 CP		DATE	Stephen M. De Klerk
SEND ALL CORRESPONDENCE TO:		NAME	Stephen M. De Klerk
Blakely, Sokoloff, Taylor & Zafman LLP		NAME	Stephen M. De Klerk
12400 Wilshire Boulevard, 7th Floor		NAME	Stephen M. De Klerk
Los Angeles, CA 90025		NAME	Stephen M. De Klerk
Telephone: (408) 720-8300		REGISTRATION NUMBER	46,503



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/539,867	Harold Keith Hill	7266P002
INTERNATIONAL APPLICATION NO.		PCT/NZ03/00279
I.A. FILING DATE		PRIORITY DATE
12/17/2003		12/17/2002

26529  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025

R E C E I V E D

NOV 14 2005

Date Mailed: 11/10/2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
LOS ANGELES

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/16/2005
- Copy of the International Search Report filed on 06/16/2005
- Copy of IPE Report filed on 06/16/2005
- Preliminary Amendments filed on 06/16/2005
- U.S. Basic National Fees filed on 06/16/2005
- Priority Documents filed on 06/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ENTERED  
NOV 15 2005  
STATUS DB-LA

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

SHAKEEL AHMED

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Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,867	PCT/NZ03/00279	7266P002

FORM PCT/DO/EO/905 (371 Formalities Notice)